

WATER CONSERVATION REGULATIONS FOR
POCAHONTAS SQUARE

THIS AGREEMENT (the "Agreement") is entered into this the 1st day of September, 2004, by and between **RML III Corporation**, 3700 Shore Drive, Virginia Beach, Virginia, which shall be referred to hereinafter as "RML" or "Developer," and James City Service Authority (JCSA), hereinafter referred to as "JCSA". Either party may hereinafter be individually referred to as a "Party" or may be collectively referred to as the "Parties".

Whereas the following water conservation regulations are adopted by RML III Corporation, a Virginia Corporation, for the benefit of the Pocahontas Square development in James City County, Virginia, upon the approval by the James City Service Authority under the requirements of Article 13 for the City of Williamsburg and County of James City and as per such proffers which have been submitted by RML dated July 31, 2003. Use of any lot within the Pocahontas Square development for residential purposes, record of which occurs on or after the date of this agreement, shall be at all times subject to the following rules, as they may be amended from time to time.

NOW, THEREFORE, for and in consideration of the covenants and promises contained herein, and other good and valuable consideration exchanged between the Parties, the receipt and sufficiency of which are hereby acknowledged, the Parties **AGREE, COVENANT AND CONTRACT** as follows:

1. Irrigation Systems:

- a) No irrigation wells for residential lots shall be permitted.
- b) Irrigation systems for common areas shall be limited to the turf and landscaped areas at the main entrance(s) of the development.
- c) Water for common area irrigation shall come from surface water and/or stormwater retention facilities on the property.

- d) If it is not feasible for irrigation water for the common areas to come from stormwater facilities, then an irrigation well may be allowed. Only wells withdrawing water from either the Aquia Aquifer or the Potomac Aquifer shall be allowed.
- e) Common area irrigation systems must include a rain sensor installed at the time of installation.
- f) Pre-existing vegetation should not be irrigated.
- g) Automatic overhead irrigation systems shall be allowed for turf only. Only pressure regulated heads with rain sensors shall be allowed to irrigate this turf.
- h) Installed automatic drip irrigation systems for landscaped beds and turf shall be allowed.
- i) An odd/even watering schedule shall be implemented allowing individual homeowners to irrigate odd address numbers on Wednesday, Friday, and Sunday and even address numbers may irrigate on Tuesday, Thursday and Saturday.

2. Landscaping:

- a) All foundation plantings, whether on single-family lots, town home lots or common areas, shall be native, drought tolerant and/or site appropriate. Foundation plantings may be selected from the JCSA approved plat list. See Exhibit A.
- b) Pocahontas Square Development Architectural Review Board (ARB) must approve additional foundation landscape plans for each single-family property.

3. Water Fixtures and Appliances:

- a) Builder shall offer energy efficient rated appliances as builder installed options.

4. Water Efficient landscaping for Residential Property:

- a) No more than thirty percent of the single-family lot area should be allowed turf irrigation.
- b) Wherever possible, existing trees and vegetation should be retained.
- c) Trees located in turf areas should be mulched.

5. Changes and Amendments:

- a) The homeowner's association reserves the right to amend water conservation rules from time to time with or without notice, provided however, JCSA must approve the change.
- b) Written notice of any changes shall be sent to all members of the homeowner's association within ten (10) days of adoption and approval.

6. Enforcement

- a) Water conservation rules of the homeowner's association shall be fully enforceable by the Board of Directors as provided for in the by-law for the homeowner's association. The homeowner's association shall also provide a staff member (Covenants Administrator) that shall perform annual inspection to assure compliance.
- b) From time to time JCSA and James City County may adopt generally applicable water conservation rules. The homeowner's association shall incorporate those rules and regulation and the rules shall be fully enforceable by the homeowner's association as well as the JCSA and the County.

Witness the following signature and seal:

RML III CORPORATION

A Virginia corporation

By: 

Robert M. Letchworth, its President

Date

APPROVED BY:

James City Service Authority

By: 

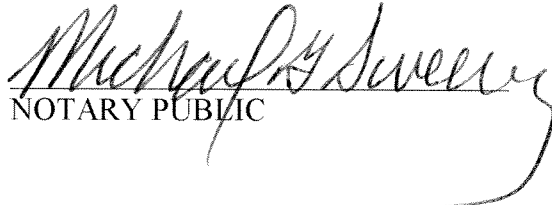
Larry Foster, JCSA General Manager

Nov. 4, 2004
Date

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF VIRGINIA BEACH, TO-WIT:

The foregoing instrument was acknowledged before me this 8th day of
September, 2004, by Robert M. Letchworth on behalf of RML III Corporation.

My Commission Expires: 3/31/07


NOTARY PUBLIC

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF _____, TO-WIT:

The foregoing instrument was acknowledged before me this ____ day of
September, 2004, by Larry Foster, JCSA General Manager on behalf of James City
Service Authority.

My Commission Expires: _____

NOTARY PUBLIC